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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 09-70015 EDL
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	CHANGING DATE FOR ARRAIGNMENT
v.)	AND EXCLUDING TIME UNDER FED. R.
)	CRIM. P. 5.1 and 18 U.S.C. § 3161
VINCENT MERTES,)	
)	
Defendant.)	
)	

On March 13, 2009, the parties in this case requested via written stipulation, and the Court agreed, to set the date for the defendant's preliminary hearing or arraignment on April 9, 2009. The parties now request that the Court change the date for the defendant's preliminary hearing or arraignment to April 23, 2009. The parties also request that pursuant to Federal Rule of Criminal Procedure ("FRCP") 5.1(d), the time limits set forth in FRCP 5.1(c) be extended through April 23, 2009. The parties agree that, taking into account the public interest in prompt disposition of criminal cases, good cause exists for this extension.

1 The defendant also agrees to exclude for this period of time any time limits applicable
 2 under 18 U.S.C. § 3161. The parties represented that granting the continuance was the
 3 reasonable time necessary for effective preparation of defense counsel. 18 U.S.C. §
 4 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by granting such a
 5 continuance outweighed the best interests of the public and the defendant in a speedy trial. 18
 6 U.S.C. § 3161(h)(8)(A).

7 SO STIPULATED:

8 JOSEPH P. RUSSONIELLO
 9 United States Attorney

10 DATED: April 8, 2009

11 /s/
 12 TAREK J. HELOU
 Assistant United States Attorney

13 DATED: April 8, 2009

14 /s/
 15 ANTHONY BRASS
 Attorney for VINCENT MERTES

16 For the reasons stated above, the Court finds that the extension of time for the
 17 defendant's preliminary hearing or arraignment through April 23, 2009 is warranted and that the
 18 ends of justice served by the continuance outweigh the best interests of the public and the
 19 defendant in a speedy trial. 18 U.S.C. § 3161 (h)(8)(A); FED. R. CRIM. P. 5.1(d). The failure to
 20 grant the requested continuance would deny the defendant effective preparation of counsel, and
 21 would result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(B)(iv).

22 SO ORDERED.

23
 24 DATED: April 8, 2009

25 
 26 THE HONORABLE BERNARD ZIMMERMAN
 27 United States Magistrate Judge
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